

CITY OF LYNN

Regular City Council Meeting – November 29, 2016 Council President Daniel F. Cahill, Presiding

Ten Councillors Present (Councilor Walsh absent)

Moment of Silence. Councilor Barton asked that the Family of Jack McCaul be remembered.

Pledge of Allegiance

Motion made by Councilor Colucci and seconded by Councilor Lozzi to accept the Meeting Minutes of November 1, 2016 and November 15, 2016.

Motion carried.

COMMUNICATION:

Dear Councilors:

I am hereby appointing Mr. Joseph Bryson to the Lynn Council on Aging Board of Directors. Mr. Bryson's term is effective immediately and will expire on August 9, 2019.
Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councilor Trahan and seconded by Councilor Barton to accept for the files.

Motion carried.

PUBLIC HEARINGS:

Public Hearing relative to a proposed change in the name of a portion of Gayron Way to Pine Hill Terrace.

Motion made by Councilor Capano and seconded by Councilor Trahan to TABLE as this proposed name change has to go before the Planning Board first.

Motion carried.

Petition of Los Chamos Cuisine, Manuel Rondoni for permission for a sign permit at 227 Union Street.

The following appeared in Favor:

Manuel Rondoni

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Colucci and seconded by Councilor Trahan to grant the prayer of the Petitioner.

**Motion carried by the following yea and nay vote:
10 YES 0 NO (Councilor Walsh absent).**

Petition of 395 Lynnway, LLC, Ralph Sevinor, for permission for a Laundromat at 391 Lynnway.

The following appeared in Favor:

Attorney Sam Vitali

David Zeller, Swampscott

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Trahan to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Walsh absent; Councilor Barton voting PRESENT).

Public Hearing relative to a Petition to Provide for Uniform and Equal Residency Requirements for all City of Lynn and Lynn School Department Employees.

The following appeared in Favor:

Joseph Martin, 27 Kings Beach Road, Lynn

Roger Ennis, 227 Verona Street, Lynn

Mary Fountain, Mazza Road, Lynn

Loreen Rosa, Union 193

Ron McDonald, Employee/DPW

Ms. Vine, 16 Lincoln Street, Lynn

102 Show of Hands in Favor

No one appeared in Opposition.

Motion made by Councilor Cyr and seconded by Councilor Colucci to continue the Public Hearing to the first of year in order to received input from the Solicitor's Office.

Motion carried.

Public Hearing relative to an Ordinance Amending a Portion of the Zone Map of the City of Lynn and Zone Ordinance of the City of Lynn and amendments thereto relative to Waterfront District.

The following appeared in Favor:

Attorney James Moore on behalf of LLC

Approval Letter from the Lynn Planning Board was read into the record.

The following appeared in Opposition:

Elisabeth Daley, 48 Lafayette Park, Lynn

Letter in Opposition by Isaac Hodes was read into the record.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Colucci to Grant.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Walsh absent; Councilor Cahill absent at vote).

Public Hearing relative to an Ordinance Amending a Portion of the Zone Map of the City of Lynn and Zone Ordinance of the City of Lynn and amendments thereto, relative to Apartment House District from Washington Street to Western Avenue.

The following appeared in Favor:

John Marcello, 155 Fairmont Avenue, Lynn

Elisabeth Daley, Lafayette Park, Lynn

No one appeared in Opposition.

Letter from Planning Board requesting City Council to Table.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Lozzi to TABLE.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent).

Public Hearing relative to an Ordinance Amending a Portion of the Zone Map of the City of Lynn and Zone Ordinance of the City of Lynn and amendments thereto relative to changing all R3 & R4 from "P" to "SP".

No one appeared in Favor.

No one appeared in Opposition.

Letter from Planning Board requesting City Council to Table.

Public Hearing Closed.

Motion made by Councilor Lozzi and seconded by Councilor Barton to TABLE.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent).

PUBLIC HEARINGS TO BE SET DOWN:

Petition of Broadway Discounts, Mario Sabatine, for permission for a sign permit at 340A Broadway. (Lozzi)

Petition of Eliezer Eugene, LLC, Laroy Harding, for permission for a Restaurant permit in order to lease commercial space as a restaurant at 110 South Common Street. (Capano)

Petition of Sethy's Convenience Store, Viseth Nhor, for permission for a beer & wine license operating seven days a week from 7:30 a.m. to 9:00 p.m. year round at 522 Chestnut Street. (Trahan)

Petition of National Grid, Bob Coulter, for permission to install approximately 30' +/- of 1-3" concrete encased conduit from customer owned handhold on property of 119 Lynn Shore Drive to provide service to an existing home.

Motion made by Councilor Colucci and seconded by Councilor Barton to set down for Public Hearings.

Motion carried.

UNFINISHED BUSINESS:

Review of Petition of Central Square Artist Tents/Food Trucks on Premises, Francisco Meneses, 3-11 Mt. Vernon Street.

Motion made by Councilor Chakoutis and seconded by Councilor Trahan to Grant.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent).

Motion made by Councilor Chakoutis and seconded by Councilor Trahan to remove from the Table the Petition of Comcast, Robert Oliveira, for permission to intercept existing conduit on Market Street & place a new 4' x 4' manhole. From new manhole place (1) 4" PVC Communication Conduit 185' +/- in a northeasterly direction to the rear of the building at 325 Broad Street to provide service to 200 Market Street.

Motion made by Councilor Chakoutis and seconded by Councilor Trahan to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Walsh absent).

COMMITTEE REPORTS:

Report of the November 29, 2016 Committee on Veterans recommending the following to be accepted:

Discussion regarding a request to dedicate the Square at the corner of Church Street and Tremont Street in Memory of Army Veteran Francis J. LaBrie.

REPORT ACCEPTED.

Report of the November 29, 2016 Committee on Education and Environmental Affairs recommending the following to be accepted:

1. Discussion re: Use of Buildings

Motion made by Councilor Capano and seconded by Councilor LaPierre to establish an Ad Hoc Committee with the School Department Building Committee and the City Council Education Committee, to discuss the school use policy.

2. Status of KIPP Renovations

3. Presentation by Mrs. Massachusetts / Positive Parenting Initiative

4. OTHER BUSINESS.

REPORT ACCEPTED.

Report of the November 29, 2016 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller take the following actions:

Transfer the sum of Eleven Thousand One Hundred Thirty Nine Dollars and Seven Cents (\$11,139.07) from Reserve Fund to the Account of City Clerk OT Payroll.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Eleven Thousand One Hundred Thirty Nine Dollars and Seven Cents (\$11,139.07) from Reserve Fund to the Account of City Clerk OT Payroll.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO

Transfer the sum of Fourteen Thousand Fifty Three Dollars and Twenty Three Cents (\$14,053.23) from Reserve Fund to the City Clerk Expense Account.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Fourteen Thousand Fifty Three Dollars and Twenty Three Cents (\$14,053.23) from Reserve Fund to the City Clerk Expense Account.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO

Transfer the sum of Twenty Five Thousand Nine Hundred Fifty Seven Dollars and Thirteen Cents (\$25,957.13) from Insurance Losses Expense to Lynn Police Department Expense.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Twenty Five Thousand Nine Hundred Fifty Seven Dollars and Thirteen Cents (\$25,957.13) from Insurance Losses Expense to Lynn Police Department Expense.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO

Transfer the sum of Five Thousand Eighty Dollars and Zero Cents from Cable Technology Expense to IT OT Payroll.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Five Thousand Eighty Dollars and Zero Cents from Cable Technology Expense to IT OT Payroll.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

10 YES 0 NO

Emergency Order was then adopted by the following ye and nay vote:

10 YES 0 NO

Certify as an "Available Fund" the amount of Ninety One Thousand Six Hundred Fifty Dollars and Zero Cents (\$91,650.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the FY17 Title III 186 Grant, English Language Acquisition Grant.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of Ninety One Thousand Six Hundred Fifty Dollars and Zero Cents (\$91,650.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for the FY17 Title III 186 Grant, English Language Acquisition Grant.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

10 YES 0 NO

Emergency Order was then adopted by the following ye and nay vote:

10 YES 0 NO

Certify as an "Available Fund" the amount of One Hundred Seven Thousand Nine Hundred Twenty Two Dollars and Zero Cents (\$107,922.00) as allotted to the City of Lynn School Department by the Department of Early Education (EEC) for the FY17 262 ECA Grant.

Councillor Net attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of One Hundred Seven Thousand Nine Hundred Twenty Two Dollars and Zero Cents (\$107,922.00) as allotted to the City of Lynn School Department by the Department of Early Education (EEC) for the FY17 262 ECA Grant.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO

REPORT ACCEPTED.

Report of the November 29, 2016 Committee on Public Safety and Public Health recommending the following to be accepted:

The following Individual was appointed Constable:

Adriano Dolce, 76 Neptune Street, Lynn, MA - **Granted**

REPORT ACCEPTED.

Report of the November 29, 2016 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Robertson, Corey, 469 Western Ave. #3-see CORI- **Granted w/30-60-90 Day Review**

Soto, Angel, 76 Franklin St. #1 -**Granted**

Nguyen, Truong, 373 Centre St. #3, Dorchester, MA 02122- **Tabled**

LIVERY OPERATOR- (NEW)

Contreras, Amberis, 311 Essex St. -**Granted**

TAXI OPERATORS (30 DAY REVIEW)

Errico, Christopher, 22 Warren St. #13-**Withdrew Application**

Garcia, Jelami, 3 Circuit Ave. -**Granted**

LIVERY OPERATOR (30 DAY REVIEW)

Garcia, Jelame, 3 Circuit Ave. -**Granted**

OLD GOLD & SILVER RENEWAL

810 Lynnway, Linken Jewelry -**Granted**

NEW-SIGN LICENSE

56 Central Square, White Rose Coffee House-**Granted**

RENEWAL-SIGN LICENSE

217 Lewis St., JNM Corp. Jin's Garden-**Granted**

83 Marion St., Sebastians Pizzeria-**Granted**

108 Western Ave., Western Ave Market-**Granted**

840 Western Ave., Western Ave Tailor Shop-**Granted**

COIN OPERATED DEVICES – NEW

5 Parkland Ave. – Fully Stocked Shop – 1 Class III-**Granted**

AUTO REPAIR/FLAMMABLE LICENSE – NEW

1117R Western Ave. – Massachusetts Recovery Bureau and Towing & Repair- **Tabled**

AUTO REPAIR/FLAMMABLE LICENSE – NEW

15 Rear Alley St. – Kontrast-**Granted**

CLASS I AUTO DEALER/AUTO REPAIR/FLAMMABLE LICENSES – RENEWAL

671 Lynnway - ATG Sales, Inc. DBA Atlantic Toyota, DBA Atlantic Scion, DBA Atlantic Toyota Group, Inc. -**Granted**

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE LICENSE - RENEWAL

87A Rear Bennett St. – Bennett St. Auto Sales, Inc. -**Granted**

295 Lynnway – Lynnway Auto Sales, Inc. -**Granted**

443 Lynnway – Lynn Auto Service and Sales-**Granted**

FLAMMABLE LICENSE – RENEWAL

247 Commercial St. – Covanta 4 Recovery-**Granted**

AUTO REPAIR/FLAMMABLE LICENSE - 30 DAY REVIEW

371 Summer St. – Express Auto and Tires Repair-**Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the November 29, 2016 Committee on Public Property and Parks recommending the following to be accepted:

Ordered that the Mayor be authorized to execute and enter into an Indemnification and Hold Harmless Agreement with Michael D. Solimine, Individually and as Trustee of April Realty Trust regarding Kelly Lane, a private way in the City of Lynn and shown on a plan prepared by Landmark Engineering and Surveyors dated March 1989 as modified and approved by the Land Court, filed in the Essex South Registry District of Land Court as Plan No. 28467E, a copy of which is filed with the Certificate of Title No. 59469 in said Registry and any other applicable plan(s). Said Agreement has been negotiated and approved by the Law Department;

And Further Ordered that the Law Department be authorized to execute and issue pursuant to Massachusetts General Laws, Chapter 79, Section 5C, the statutory Notice of Intent of Taking of Easement Only in Kelly Lane to all abutters of Kelly Lane.

And Further Ordered that a Public Hearing pursuant to Massachusetts General Laws, Chapter 79, Section 1, et seq., for the Order of Taking of Easement Only in Kelly Lane be set down for hearing and consideration on Tuesday, January 24, 2017.

Councilor Net attached the following Emergency Preamble:

WHEREAS, An Emergency relative to an Order that the Mayor be authorized to execute and enter into an Indemnification and Hold Harmless Agreement with Michael D. Solimine, Individually and as Trustee of April Realty Trust regarding Kelly Lane, a private way in the City of Lynn and shown on a plan prepared by Landmark Engineering and Surveyors dated March 1989 as modified and approved by the Land Court, filed in the Essex South Registry District of Land Court as Plan No. 28467E, a copy of which is filed with the Certificate of Title No. 59469 in said Registry and any other applicable plan(s). Said Agreement has been negotiated and approved by the Law Department;

And Further Ordered that the Law Department be authorized to execute and issue pursuant to Massachusetts General Laws, Chapter 79, Section 5C, the statutory Notice of Intent of Taking of Easement Only in Kelly Lane to all abutters of Kelly Lane.

And Further Ordered that a Public Hearing pursuant to Massachusetts General Laws, Chapter 79, Section 1, et seq., for the Order of Taking of Easement Only in Kelly Lane be set down for hearing and consideration on Tuesday, January 24, 2017.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

9 YES 0 NO (Councilor Walsh absent; Councilor Trahan voting PRESENT).

Emergency Order was then adopted by the following ye and nay vote:

9 YES 0 NO (Councilor Walsh absent; Councilor Trahan voting PRESENT).

REPORT ACCEPTED.

NEW BUSINESS:

Motion made by Councilor Cyr and seconded by Councilor Trahan to request the Mayor's presence along with the CFO, City Comptroller and City Treasurer to the meeting on Tuesday, December 13, 2016 at 8:00 pm in the City Council Chambers, to answer written questions regarding the current financial problems in the City of Lynn. Councilor Capano added a friendly amendment to request the Mayor to come to the meeting with a plan to address the financial problems.

Motion carried.

Motion made by Councilor Colucci and seconded by Councilor Trahan to advertise for the position of City Clerk.

Motion carried.

Motion made by Councilor Colucci and seconded by Councilor LaPierre to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK